

On Fri, Jun 24, 2016 at 3:53 PM, London, Sarah <Sarah.London@vermont.gov> wrote:

Anne, I write in response to your public record act request dated June 21, 2016. You have asked for six data fields from all of Alex Maclean's sent emails. As previously discussed, your requests related to Alex Maclean's sent messages involve over 5,000 emails. On closer review (to the best of our ability to sort her messages in this way), it appears Alex Maclean's sent messages number just over 6500 (likely 6572). To comply with your most recent request, this office would need to make a new record of the six datafields you have requested by copying portions of Alex Maclean's sent messages into a new record for you, or by making a copy of each email without its contents.

As we have previously discussed, Alex Maclean's emails are stored in a truncated electronic format. To view each message, including the complete information for the six data fields you are seeking (including CC and BCC fields), each email must be copied into a restored view. Relevant costs are outlined below. Please be aware that the work involved exceeds the resources of this office, and that production in response to your request will disrupt our ability to comply with the regular flow of more targeted public record act requests we are receiving and fulfilling weekly.

It is therefore likely that complying with your request will require this office to hire additional staff. For relevant provisions of law, please see the following: 1 VSA 316(i) ("[i]f an agency maintains public records in an electronic format, nonexempt public records shall be available for copying"; agency not required to create a public record or provide copies in a nonstandard format); 1 VSA 316(h) (defining "standard format" for electronic records as "the format in which the record is maintained"); 1 VSA 316(g) ("nothing in this section shall be construed to require the public agency to provide or arrange for copying service, to use or permit the use of copying equipment other than its own, [or] to permit operation of its copying equipment by other than its own personnel"); 1 VSA 316(j) (public agency may make reasonable rules to prevent disruption of operations).

A reasonable estimate of the time required to restore and copy each record is 30 seconds per page, with an additional one minute per page to review and copy the six datafields you are requesting. (Additional time is generally required for redactions. Such work may or may not be applicable to your request, depending on the volume of nonpublic contact information at issue. Here, I have not included costs related to redactions, but please be aware such costs may exist.) Given that the heading information you are seeking is contained on the first page of each record, we expect that your request involves approximately 6572 pages. Copying and reviewing 6572 pages at one minute per page, excluding the first 30 minutes of work, amounts to a minimum of 6542 minutes of chargeable work. To view the CC and BCC fields, the work is likely to be more like 1.5 minute per page, or 9813 minutes with 9783 chargeable minutes. Using the lowest rate available on the public records fee schedule, this amounts to approximately \$2159 without CC and BCC fields or \$3228 with those fields. In addition, copying these electronic-only records pursuant to 1 VSA 316(i) will require printing a minimum of 6572 pages. (Based on prior productions, the average length of an email is two pages. Here, however, I am limiting costs to the first page of each email.) Charging for only the first page of each email, the paper costs will be at least \$131 (\$.02 per first page of 6572 emails). This amounts to a minimum of \$2290 to \$3359 in costs of complying with your request.

However, “senior-level staff time, and information technology specialists’ time spent extracting data from databases or performing similar tasks necessary to comply with a request to create a new public record” is charged at \$.57 per minute per the uniform public records fee schedule. Charges could therefore also amount to \$3877, or \$3746 (6572 minutes at \$.57 a minute) plus \$131 in printing.

If you are willing to pay \$3000 to \$4000 for the six data fields of Alex Maclean’s sent messages you have requested, please let us know. We will then explore our ability to hire additional personnel to comply with your request so as to avoid disruption of agency operations, particularly our ability to process existing and additional public record act requests.

Thank you, and have a good weekend,

Sarah